

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2007-95
April 18, 2007

SUBJECT: Delegations of Authority under Title II of D.C. Law 15-353, the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, as Amended

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 (2) and (6) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code §§ 1-204.22 (2) and (6) (2001), and pursuant to Title II of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*) (2006 Supp.), as amended by Title II of the Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007, effective January 16, 2007 (D.C. Act 17-10) (the "Act"), published in the *D.C. Register* on February 16, 2007 (54 DCR 1479), and any similar succeeding legislation, it is hereby **ORDERED** that:

1. The Director, D.C. Department of Human Resources, is delegated the authority vested in the Mayor in D.C. Official Code § 4-1501.11 (2006 Supp.) to issue rules governing the criminal background check requirement for persons being considered for compensated or voluntary employment in positions in District government agencies that meet the definition of "covered child or youth services provider," as the term is defined in D.C. Official Code § 4-1501.02 (3) (2006 Supp.), as well as rules governing the periodic criminal background check requirement in D.C. Official Code § 4-1501.03 (g) (2006 Supp.).
2. The Director, D.C. Department of Human Resources, is delegated the authority vested in the Mayor in D.C. Official Code § 4-1501.04 (2006 Supp.) to conduct traffic record checks for individuals covered by the Act who are required to drive a motor vehicle to transport children or youth in the course of performing their duties.
3. The Chief Procurement Officer, Office of the Chief Procurement Officer, is delegated the authority vested in the Mayor in D.C. Official Code § 4-1501.11 (2006 Supp.) to issue rules governing the criminal background check requirement and the traffic record check requirement for persons and private agencies being considered for contractual work as covered child or youth services providers pursuant to the Act.


4. The Chief, Metropolitan Police Department, is delegated the authority vested in the Mayor to conduct criminal background checks under D.C. Official Code §§ 4-1501.03 and 4-1501.05 (2006 Supp.), for agencies subordinate to the Mayor that are covered under the Act.

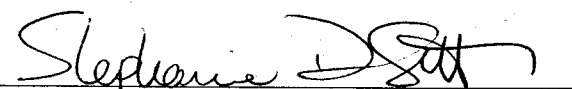
5. The personnel authority for the District government agencies listed below is delegated the authority vested in the Mayor to evaluate the information obtained from traffic record checks and criminal background checks required pursuant to D.C. Official Code § 4-1501.01 *et seq.* (2006 Supp.); assess the information obtained from a criminal background check under section 205a (a) of the Act and consider the factors listed therein to determine whether a person being considered for compensated or voluntary employment poses a present danger to children or youth; and determine whether final offers of appointment should be made to persons being considered for compensated or voluntary employment:
 - Department of Human Services
 - Department of Health
 - Department of Parks and Recreation
 - Fire and Emergency Medical Services Department
 - Metropolitan Police Department
 - State Education Office of the Executive Office of the Mayor
 - Department of Youth Rehabilitation Services
 - Department of Employment Services
 - Department of Mental Health
 - Child and Family Services Agency
 - Any other agency which as a result of a permanent or temporary change to its mission such as may be caused by reorganization or any similar reason shall become a covered child or youth services provider subject to the criminal background check or traffic record check provisions of the Act

6. **RESCISSION**

This Order supersedes Mayor's Order 2005-73, dated May 5, 2005.

7. **EFFECTIVE DATE:** This Order shall become effective immediately.


ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division



MEMORANDUM

TO: Brender L. Gregory
Director
Department of Human Resources

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division

WCW

DATE: March 27, 2007

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order – "Delegations of Authority under Title II of D.C. Law 15-353, the Child and Youth, Safety and Health Omnibus Amendment Act of 2004"
(AM-07-190)

RECEIVED
D.C. OFFICE OF PERSONNEL
OFFICE OF THE DIRECTOR
2007 MAR 30 PM 4: 50

This responds to your March 14, 2007 request for a legal sufficiency review of the above-referenced draft Mayor's Order ("Order"). The Order would, pursuant to Title II of the Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007, effective January 16, 2007, D.C. Act 17-10, 54 DCR 1479, delegate to the Director of the Department of Human Resources authority to issue rules governing criminal background checks for those who provide volunteer services for the District government and to conduct traffic record checks for job applicants whose duties would include transporting children or youth in motor vehicles. It would delegate to the Chief Procurement Officer authority to issue rules governing criminal background and traffic checks to individuals being considered for contractual work with the District and further delegate to the Chief of the Metropolitan Police Department authority to conduct criminal background checks for executive subordinate agencies. Finally, the Mayor's Order would permit the responsible agencies to evaluate the information obtained and consider whether a job applicant poses a present danger to children or youth and, if so, whether such individual should be offered employment.

We have reviewed the attached Order and find it to be legally sufficient.¹

¹ Although legally sufficient, we note two technical points that the Office of Documents and Administrative Issuances may want addressed: (1) the Child and Youth, Safety and Health Omnibus Temporary Act of 2004, effective April 13, 2005, D.C. Law 15-353, D.C. Official Code § 4-1501.01 *et seq.* (2006 Supp.), to which you cite, would have expired 120 days after its effective date of April 13, 2005; and (2) the D.C. Register cite for the Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 should include its publication cite in the D.C. register (54 DCR 1479).

Please note that the Order must be reviewed by Clifton Posey, Administrative Issuance Assistant, Office of Documents and Administrative Issuances, for technical and formatting corrections.

If you have any questions concerning this memorandum, please contact Darrin P. Sobin, Assistant Attorney General, Legal Counsel Division, at 724-5560, or me at 724-5524.

WCW:dps

Attachment